

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5120 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SIMON TRIKAMBHAI CHRISTIAN

Versus

ONGC LTD

Appearance:

MR KS ACHARYA for Petitioners
M/S TRIVEDI & GUPTA for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2
MR. B.T. RAO, Addl. Central Government Standing
Counsel for respondent No. 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 03/11/98

ORAL JUDGEMENT

Leave to add Assistant Commissioner of Labour
(Central) as party respondent No. 3.

Having heard the learned advocates appearing for
the respective parties and perusing the affidavits filed
by them, if the following directions are given without

prejudice to the rights and contentions of the parties, that would, in my opinion, serve the ends of justice.

- i) The petitioners shall approach the Conciliation Officer with respect to their demands for which the present petition is filed.
- ii) The Conciliation Officer shall submit an appropriate report within three months from the date of hearing of the parties after taking into consideration their rival contentions and objections;
- iii) In case failure report is drawn by the Conciliation Officer, in that event, the appropriate Government shall take decision by passing appropriate order of making a reference or refusing to make the order of reference within four weeks from the date of receipt of the report. Till such decision is taken by the appropriate Government, interim relief granted by this court shall continue.
- iv) In case of the appropriate Government refusing to pass the order of reference, the interim relief presently granted by this court shall continue for further two weeks.
- v) In case the present contract between the principal employer as well as the contractor comes to an end or for any other reason and if the Corporation discontinues the present contractor, it will be open for the principal employer to award fresh contract by inserting a clause that the new contractor will continue the present petitioner during the continuation of interim relief. It is clarified that it will be the sole discretion of the appropriate authority and/or the Labour Court/Industrial Tribunal to continue or not to continue the interim relief granted and continued by this court in this order. It is further clarified that it will be open for the concerned contractor to take appropriate disciplinary action against the petitioner in case of their involvement in any misconduct including absenteeism in accordance with law.

In view of these directions, nothing further is required to be done in this petition. This petition stands

disposed of accordingly. Notice discharged. Order of interim relief is vacated subject to directions given in this order.

(N.N. MATHUR, J)

[pkn]